

Notice of Allowability

Application No.

09/732,503

Examiner

Charlotte M. Baker

Applicant(s)

LUO ET AL.

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2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 05/09/2005.
2. ☒ The allowed claim(s) is/are 1, 3-9, renumbered 1, 2, 3, 4, 5, 6, 8, 7 respectively.
3. ☒ The drawings filed on 25 February 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Bocchetti (31,330) on May 23, 2005.

2. Claim 8 has been amended as follows: "the background producing a print of the digital image;" to --the background; producing a print of the digital image;--.

Allowable Subject Matter

3. Claims 1, and 3-9 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter: claims 1, and 3-9 are allowed over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of said prior art which teaches.
5. A method of providing photofinishing services for images having a main subject and background, comprising the steps of: obtaining a digital image of a customer's image; producing a main subject belief map from the digital image; employing the main subject belief map to produce a modified digital image, the employing step including zooming and cropping that maintain a main subject within a resulting cropped image; producing a print of the digital image; producing a print of the modified digital image; and delivering both prints to the customer.

Kinjo (5,978,100) in view of Ueda (6,714,314) teach all the limitations of claim 1 except the employing step including zooming and cropping that maintain a main subject within a resulting cropped image.

6. A method of providing photofinishing services for images having a main subject and background, comprising the steps of: obtaining a digital image of a customer's image; producing a main subject belief map from the digital image; employing the main subject belief map to produce a modified digital image, the employing step including a subject emphasizing step; producing a print of the digital image; producing a print of the modified digital image; and delivering both prints to the customer.

Kinjo in view of Ueda teach all the limitations of claim 3 except the employing step including a subject emphasizing step.

7. A method of providing photofinishing services for images having a main subject and background, comprising the steps of: obtaining a digital image of a customer's image; producing a main subject belief map from the digital image; employing the main subject belief map to produce a modified digital image, wherein the employing step includes altering pixel values that are a part of the main subject; producing a print of the modified digital image; and delivering both prints to the customer.

Kinjo in view of Ueda teach all the limitations of claim 3 except the employing step includes altering pixel values that are a part of the main subject.

8. A method of providing photofinishing services for images having a main subject and background, comprising the steps of: obtaining a digital image of a customer's image; producing a main subject belief map from the digital image; employing the main subject belief map to

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produce a modified digital image, wherein the employing step includes altering pixel values that are a part of the background; producing a print of the modified digital image; and delivering both prints to the customer.

Kinjo in view of Ueda teach all the limitations of claim 3 except the employing step includes altering pixel values that are a part of the background.

9. Any comments necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M. Baker whose telephone number is (571)272-7459. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571)272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER**